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Attorney for Plaintiff DANIELLE DEIBERT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIELLE DEIBERT,

Plaintiffs,

v.

ARTEMIDE, INC., TOM LACICERO and
DOES 1 through 10, inclusive,

Defendants.

Case No. CV 09-1588 SBA

**JOINT STIPULATION
EXTENDING
TIME TO HOLD EARLY
NEUTRAL EVALUATION;
~~PROPOSED~~ ORDER**

Plaintiff DANIELLE DEIBERT (“Deibert”) and Defendants ARTEMIDE, INC.
 (“Artemide”) and THOMAS LACICERO (erroneously sued as TOM LACICERO)
 (“LaCicero”), by and through their respective counsel, hereby jointly stipulate and request
 to extend the deadline to conduct the Early Neutral Evaluation (“ENE”) session pursuant

1 to Local Rules for Alternative Dispute Resolution in the United States District Court for
2 the Northern District of California, ADR L.R. 5-5, based on the good cause shown below:

3 1. On September 2, 2009, both parties attended the Initial Case Management
4 Conference before Judge Armstrong who referred the case to Early Neutral Evaluation
5 (“ENE”). The entry of order referring the case to ENE was issued the same day.

6 2. ADR L.R. 5-4(b) states “[u]nless otherwise ordered, the ENE session must
7 be held within 90 days after the entry of the order referring to the case to ENE.” ADR LR
8 5-4(b). Because the entry of order referring the case to ENE was issued on September 2,
9 2009, and no other date was set to conduct the ENE, the final date by which the parties
10 must participate in an ENE is 90 days after September 2nd or December 1, 2009.

11 3. This Court has discretion to extend the date to conduct the ENE. Parties
12 moving to extend the date to conduct an ENE must submit a motion or a stipulation to the
13 Court outlining their request no later than 15 days before the session is to be held. ADR
14 L.R. 5-5(a). Such motion must detail the considerations that support the request, indicate
15 whether the other parties concur with the request, and set forth a new deadline to conduct
16 the ENE. ADR L.R. 5-5(b).

17 4. On September 15, 2009, the Court notified the parties that Tia Welch
18 Maerz, of San Francisco, was appointed to serve as the evaluator under the Court’s ENE
19 program. Neither party objects to Ms. Welch Maerz’s appointment.

20 5. Defendant Artemide, Inc. is an Italian company with its principal place of
21 business in Farmingdale, New York. Artemide intends to have two company
22 representatives, both residents of New York State, personally attend the ENE session.
23 There are no local company representatives who have the same or similar information on
24 the case, or authority to bind the company.

25 6. Artemide will be represented by Jan Vingerhoets, Chief Executive Officer.
26 Mr. Vingerhoets met with Plaintiff about her unsatisfactory job performance prior to her
27 termination. His presence at the ENE is important because he will deny information

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1 regarding Plaintiff's allegations of sexual harassment and provide information about
2 Plaintiff's job performance.

3 7. The second Artemide representative will be Thomas Scimonelli, Vice
4 President of Finance and Administration. Mr. Scimonelli's presence at the ENE is
5 important because he has knowledge of Artemide policies and procedures as well as other
6 key facts of the case.

7 8. Artemide requests a brief extension of time to hold the ENE because Mr.
8 Vingerhoets is unavailable to travel to San Francisco prior to December 7, 2009 because
9 his wife is expected to give birth on or about November 18, 2009. Prior to the birth, Mr.
10 Vingerhoets is required to attend previously-scheduled business meetings in Italy in early
11 November, and to oversee two large Artemide sales events also in November.

12 9. Lead counsel for Plaintiff, Yosef Peretz, requests a brief extension of time to
13 hold the ENE because he is unavailable prior to November 2009 because his wife is
14 having a baby due sometime in late October 2009. Mr. Peretz was unable to attend the
15 ENE Pre-Session Telephone Conference to discuss scheduling of the ENE prior to
16 October 7, 2009 because he was in trial on another matter.

17 10. Therefore, because Mr. Peretz is unable to attend the ENE prior to
18 November 2009, and Mr. Vingerhoets is unavailable during the month of November, the
19 ENE cannot take place prior to the ADR L.R. 5-4(b) deadline of December 1, 2009.

20 11. On October 10, 2009, counsel for all parties attended the ENE Pre-Session
21 Telephone Conference pursuant to ADR L.R. 5-7 with Ms. Welch Maerz. All parties and
22 the evaluator agreed the best date to conduct the ENE is December 10, 2009. All parties
23 and the evaluator are available on that date.

24 12. Accordingly, Plaintiff and Defendants seek leave from this Court to extend
25 the deadline by which the parties must participate in an ENE – from December 1 to
26 December 10, 2009 - for the reasons stated herein.

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1 NOW, THEREFORE, the parties stipulate and request in accordance with ADR
2 L.R. 5-5(a) that the Court grant the parties until Thursday, December 10, 2009, to
3 participate in the ENE.

4 IT IS SO STIPULATED, effective October 14, 2009.

5
6 Dated: October 14, 2009

PERETZ & ASSOCIATES

7
8 By: 

Yosef Peretz, Esq.
Emily Berg, Esq.
Attorneys for Plaintiff
DANIELLE DEIBERT

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11 Dated: October __, 2009

JACKSON LEWIS LLP

12
13
14 By: _____


Jamerson C. Allen
Cara Ching-Senaha
Carol J. Morganstern
Attorneys for Defendants
ARTEMIDE, INC. and THOMAS
LACICERO

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18 **ORDER**

19 Good cause appearing, after consideration of the Stipulation to Extend Time to
20 Conduct the Early Neutral Evaluation submitted in accordance with ADR L.R. 5-5 *et seq.*,
21 the parties are hereby granted. The parties shall have until Thursday December 10, 2009,
22 to conduct their Early Neutral Evaluation.

23 IT IS SO ORDERED.

24
25 Dated: 10/16/09 _____


Sandra B. Armstrong
United States Magistrate Judge

1 NOW, THEREFORE, the parties stipulate and request in accordance with ADR
2 L.R. 5-5(a) that the Court grant the parties until Thursday, December 10, 2009, to
3 participate in the ENE.

4 IT IS SO STIPULATED, effective October 12, 2009.

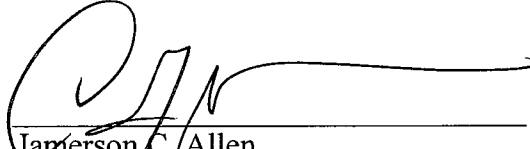
5
6 Dated: October __, 2009

PERETZ & ASSOCIATES

7
8 By: _____
9 Yosef Peretz, Esq.
10 Emily Berg, Esq.
11 Attorneys for Plaintiff
12 DANIELLE DEIBERT

11 Dated: October 12, 2009

JACKSON LEWIS LLP

13
14 By:  _____
15 Jamerson C. Allen
16 Cara Ching-Senaha
17 Carol J. Morganstern
18 Attorneys for Defendants
19 ARTEMIDE, INC. and THOMAS
20 LACICERO

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23
24 **ORDER**

25 Good cause appearing, after consideration of the Stipulation to Extend Time to
26 Conduct the Early Neutral Evaluation submitted in accordance with ADR L.R. 5-5 *et seq.*,
27 the parties are hereby granted. The parties shall have until Thursday December 10, 2009,
28 to conduct their Early Neutral Evaluation.

IT IS SO ORDERED.

25 Dated: _____

26 _____
27 Saundra B. Armstrong
28 United States Magistrate Judge